

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 21-11023-RGS

ARTHUR THYME, *a/k/a Jessie F. Swartz, Jr. & Franklin H. Wright*¹

v.

THE REPUBLICAN PARTY & THE DEMOCRATIC PARTY

ORDER

September 8, 2021

STEARNS, D.J.

Pro se litigant Arthur Thyme brings this action in which he calls for a restructuring of this country's political system. For the reasons set forth below, the court will dismiss this action.

I. Motion for Leave to Proceed *in Forma Pauperis*

Upon review of Thyme's motion for leave to proceed *in forma pauperis*, the court concludes that Thyme has adequately shown that he is unable to prepay the filing fee. Accordingly, the motion is GRANTED.

¹ Based on papers the plaintiff has filed in other lawsuits, *e.g.*, *Wright v. Omega*, C.A. No. 20-10970-RGS (D. Mass.); *McInerney v. Swartz*, C.A. No. 20-07370 (N.D. Ill.), it appears that his true name is Jesse F. Swartz, Jr. and that he also uses the aliases Arthur Thyme and Franklin H. Wright.

II. Review of the Complaint

Because Thyme is proceeding *in forma pauperis*, his pleading is subject to screening under 28 U.S.C. § 1915(e)(2). This statute authorizes federal courts to dismiss actions in which a plaintiff seeks to proceed without prepayment of fees if the action is malicious, frivolous, fails to state a claim upon which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief. *See* 28 U.S.C. § 1915(e)(2). In conducting this review, the court liberally construes the plaintiff's pleadings because he is proceeding *pro se*. *See Haines v. Kerner*, 404 U.S. 519, 520-21 (1972).

Thyme characterizes his pleading as a “Petition to Comply Remedy.” (Dkt #1). Thyme asserts therein that Republican and Democratic political parties of the United States “operate as gangs” who “are not only in violation of the RICO Act, they violate Constitutional premise and common sense.” *Id.* at 2. According to Thyme, the present two-party system has resulted in “[p]arty based control” instead of a “competency-based reward system.” *Id.* at 4. Thyme alleges that party leadership is based on “loyalty, secrecy and control, not upon an individual’s competency or common sense.” *Id.* at 5.

Under the heading “Remedy,” Thyme asserts that “[a] new political system would need to be created behind closed doors, that system based upon objective skill development and proper assessment thereof.” *Id.* at 8. Under this proposed system, the “foundational competencies” of all citizens would be evaluated. Political affiliation would not be considered in this process. Within the group of “highly scored individuals,” the “most competent persons for selection and placement into the new government[]” would be identified. *Id.* “The military would be informed and prepared for the remove and replacement process to follow.” *Id.* “Current Republican and Democratic leadership would [also] be informed of the problem and why they were going to be removed.” *Id.* This “disclosure process” would allow compromised persons “to step aside in favor of the newly trained leaders to avoid casualties.” *Id.*

This complaint fails to state a claim upon which relief may be granted. Thyme’s proposal runs contrary to the United States Constitution, which provides that “the People” elect members of Congress. *See* U.S. Const. art. I, § 2, cl. 2; U.S. Const. amend. XVII. Further, a political party’s constitutional right to freedom of association allows it to determine its own structure, identity, and process for electing its leaders. *See Eu v. San Francisco Cnty. Democratic Cent. Comm.*, 489 U.S. 214, 228 (1989).

ORDER

In accordance with the foregoing, the complaint is DISMISSED. The clerk shall issue a final order of dismissal.

SO ORDERED.

/s/ Richard G. Stearns

UNITED STATES DISTRICT JUDGE